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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/873,222	06/04/2001	David Jeffrey Miller	10010869-1	4537

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EXAMINER

TUCKER, WESLEY J

ART UNIT

PAPER NUMBER

2623

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5

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>
	09/873,222	MILLER ET AL.
	<b>Examiner</b>	<b>Art Unit</b>
	Wes Tucker	2623

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

**A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.**

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) Responsive to communication(s) filed on 07 June 2004.  
 2a) This action is FINAL.                    2b) This action is non-final.  
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) Claim(s) 1-16 is/are pending in the application.  
 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
 5) Claim(s) \_\_\_\_\_ is/are allowed.  
 6) Claim(s) 1-16 is/are rejected.  
 7) Claim(s) \_\_\_\_\_ is/are objected to.  
 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) The specification is objected to by the Examiner.  
 10) The drawing(s) filed on 04 June 2001 is/are: a) accepted or b) objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) All    b) Some \* c) None of:  
     1. Certified copies of the priority documents have been received.  
     2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
     3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                     | Paper No(s)/Mail Date. _____ .  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ . | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
|  | 6) <input type="checkbox"/> Other: _____ .                                  |

## DETAILED ACTION

### ***Response to Arguments***

1. Applicant's response to the last Office Action, filed May 6, 2004 has been entered and made of record.
2. Applicant has amended claims 1, 4, 7, and 12. Claims 1-16 are pending.
3. Applicant's arguments, see pages 6-9 of Amendment, filed 6-7-04, with respect to the rejection(s) of claim(s) 1, 4, 7, and 12 under 35 U.S.C. 102(e) have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of U.S. Patent 6,157,435 to Slater in view of U.S. Patent 6,642,956 to Safai.

### ***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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5. Claims 1-10, 12-14 and 16 are rejected under 35 U.S.C. 103(a) as being anticipated by U.S. Patent 6,157,435 to Slater et al. in view of U.S. Patent 6,642,956 to Safai.

6. With regard to claim 1, Slater discloses a digital image routing system, comprising means for receiving a digital image packet that includes a digital image and a customer preference parameter (column 8, lines 10-15 and 45-50 and column 10, lines 38-48 and Fig.1). Here Slater discloses a system that scans customer preferences (such as enhancements to be performed on their images) from the film package envelope 9 and automatically captures and transfers that information to the LMS or Lab Management System 60. This information along with the scanned digital image information is transferred to the IDM or Image Data Manager 50.

Slater does not disclose that the digital image packet be received from a customer that includes a digital image from a digital camera. Safai discloses sending digital images to a post-processor in order to process or enhance the images for quality printing in a similar fashion to the reference of Slater. It is an inherent advantage to use images of a digital form received directly from a customer's digital camera in order to simply bypass the step of digitizing images in the process of scanning film. This saves time, resources, processing, etc. and is a fundamental well known advantage of digital cameras. Therefore it would have been obvious to one of ordinary skill in the art at the time of invention to send digital images directly to an image processor as taught by Safai to modify

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the invention of Slater's automatic routing processing method in order to save time and resources.

Slater further discloses means for transmitting the digital image packet to a remote digital image editing system selected according to the customer preference parameter (column 10, lines 38-48). Here Slater discloses how the IDM performs enhancements according to the user's preference. The IDM is said to contain a number of general purpose microprocessors operating in parallel (column 9, lines 45-50). The IDM is considered to be a digital image editing system that operates according to the customer preference parameters.

7. With regard to claim 2, Slater discloses the digital image routing system of claim 1, further comprising means for enhancing the means for enhancing the a digital image based on the customer preference parameter (column 10, lines 38-48). Slater discloses the IDM 50 to perform image enhancements on the images according to the customer input.

Slater further discloses means for transmitting an enhanced digital image packet that includes an enhanced digital image and an enhancement description packet that describes the enhancements made for each of the digital images (column 9, lines 65-68 and column 10, lines 1-15). Here Slater discloses that the IDM is connected through a network to multiple output devices capable of receiving the enhanced image and it is understood that the information about the enhancement would be included in order to determine quality based on the output at the preview stations 300 and 301.

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8. With regard to claim 3, Slater discloses the digital image routing system of claim 2, wherein the means for enhancing the digital image, includes means for automatically enhancing the digital image based on the customer preference parameter (column 10, lines 38-48). Slater discloses the enhancement of images based on a customer preference.

9. With regard to claim 4, Slater discloses a digital image enhancement system, comprising means for receiving a digital image packet that includes a digital image and a customer preference parameter (column 8, lines 10-15 and 45-50 and column 10, lines 38-48 and Fig.1). Here Slater discloses a system that scans customer preferences (such as enhancements to be performed on their images) from the film package envelope 9 and automatically captures and transfers that information to the LMS or Lab Management System 60. This information along with the scanned digital image information is transferred to the IDM or Image Data Manager 50.

Slater does not disclose that the digital image packet be received from a customer that includes a digital image from a digital camera. Safai discloses sending digital images to a post-processor in order to process or enhance the images for quality printing in a similar fashion to the reference of Slater. It is an inherent advantage to use images of a digital form received directly from a customer's digital camera in order to simply bypass the step of digitizing images in the process of scanning film. This saves time, resources, processing, etc. and

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is a fundamental well known advantage of digital cameras. Therefore it would have been obvious to one of ordinary skill in the art at the time of invention to send digital images directly to an image processor as taught by Safai to modify the invention of Slater's automatic routing processing method in order to save time and resources.

Slater further discloses means for enhancing the digital image based on the customer preference parameter (column 10, lines 38-48). Slater discloses the IDM 50 to perform image enhancements on the images according to the customer input.

Slater further discloses means for transmitting an enhanced digital image packet that includes an enhanced digital image and an enhancement description packet that describes the enhancements made for each of the digital images (column 9, lines 65-68 and column 10, lines 1-15). Here Slater discloses that the IDM is connected through a network to multiple output devices capable of receiving the enhanced image and it is understood that the information about the enhancement would be included in order to determine quality based on the output at the preview stations 300 and 301.

10. With regard to claim 5, Slater discloses the digital image enhancement system of claim 4, wherein the means for enhancing the digital image, includes means for automatically enhancing the digital image based on the customer preference parameter (column 10, lines 38-48). Here the images are enhanced automatically according to the specifications made by the user's

indication on the film envelope. It is understood that the IDM performs the enhancements automatically.

11. With regard to claim 6, Slater discloses the digital image enhancement system of claim 4, further comprising means for transmitting the digital image packet to a remote digital image editing system (50) selected according to the customer preference parameter (column 10, lines 38-48 and column 9, lines 45-50). Here the IDM is interpreted as a remote digital image editing system and the particular image editing performed is done according to the customer's preference.

12. With regard to claim 7, Slater discloses a digital image routing method, comprising the steps of receiving a digital image packet that includes a digital image and a customer preference parameter (column 8, lines 10-15 and 45-50 and column 10, lines 38-48 and Fig.1). Here Slater discloses a system that scans customer preferences (such as enhancements to be performed on their images) from the film package envelope 9 and automatically captures and transfers that information to the LMS or Lab Management System 60. This information along with the scanned digital image information is transferred to the IDM or Image Data Manager 50.

Slater does not disclose that the digital image packet be received from a customer that includes a digital image from a digital camera. Safai discloses sending digital images to a post-processor in order to process or enhance the

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images for quality printing in a similar fashion to the reference of Slater. It is an inherent advantage to use images of a digital form received directly from a customer's digital camera in order to simply bypass the step of digitizing images in the process of scanning film. This saves time, resources, processing, etc. and is a fundamental well known advantage of digital cameras. Therefore it would have been obvious to one of ordinary skill in the art at the time of invention to send digital images directly to an image processor as taught by Safai to modify the invention of Slater's automatic routing processing method in order to save time and resources.

Slater also discloses transmitting the digital image packet to a remote digital image editing system selected according to the customer preference parameter (column 10, lines 38-48). Here Slater discloses how the IDM performs enhancements according to the user's preference. The IDM is said to contain a number of general purpose microprocessors operating in parallel (column 9, lines 45-50). The IDM is considered to be a digital image editing system that operates according to the customer preference parameters.

13. With regard to claim 8, Slater discloses the digital image routing method of claim 7, further comprising the steps of enhancing the digital image based on the customer preference parameter (column 10, lines 38-48). Slater discloses the IDM 50 to perform image enhancements on the images according to the customer input.

Slater further discloses transmitting an enhanced digital image packet that includes an enhanced digital image and an enhancement description packet that describes the enhancements made for each of the digital images (column 9, lines 65-68 and column 10, lines 1-15). Here Slater discloses that the IDM is connected through a network to multiple output devices capable of receiving the enhanced image and it is understood that the information about the enhancement would be included in order to determine quality based on the output at the preview stations 300 and 301.

14. With regard to claim 9, Slater discloses the digital image routing method of claim 7, wherein the step of enhancing a digital image, includes enhancing the digital image automatically based upon the customer preference parameter (column 10, lines 38-48). Here the images are enhanced automatically according to the specifications made by the user's indication on the film envelope. It is understood that the IDM performs the enhancements automatically.

15. With regard to claim 10, Slater discloses the digital image routing method of claim 7, further comprising the step of enhancing the digital image automatically using an automatic digital image enhancement system (column 10, lines 38-48). Here the images are enhanced automatically by the IDM, which is considered to be an automatic digital image enhancement system.

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16. With regard to claim 12, Slater discloses a digital image enhancement method, comprising the steps of receiving a digital image packet that includes a digital image and a customer preference parameter (column 8, lines 10-15 and 45-50 and column 10, lines 38-48 and Fig.1). Here Slater discloses a system that scans customer preferences (such as enhancements to be performed on their images) from the film package envelope 9 and automatically captures and transfers that information to the LMS or Lab Management System 60. This information along with the scanned digital image information is transferred to the IDM or Image Data Manager 50.

Slater does not disclose that the digital image packet be received from a customer that includes a digital image from a digital camera. Safai discloses sending digital images to a post-processor in order to process or enhance the images for quality printing in a similar fashion to the reference of Slater. It is an inherent advantage to use images of a digital form received directly from a customer's digital camera in order to simply bypass the step of digitizing images in the process of scanning film. This saves time, resources, processing, etc. and is a fundamental well known advantage of digital cameras. Therefore it would have been obvious to one of ordinary skill in the art at the time of invention to send digital images directly to an image processor as taught by Safai to modify the invention of Slater's automatic routing processing method in order to save time and resources.

Slater further discloses enhancing the digital image based on the customer preference parameter (column 10, lines 38-48). Slater discloses the

IDM 50 to perform image enhancements on the images according to the customer input.

Slater further discloses transmitting an enhanced digital image packet that includes an enhanced digital image and an enhancement description packet that describes the enhancements made for each of the digital images (column 9, lines 65-68 and column 10, lines 1-15). Here Slater discloses that the IDM is connected through a network to multiple output devices capable of receiving the enhanced image and it is understood that the information about the enhancement would be included in order to determine quality based on the output at the preview stations 300 and 301.

17. With regard to claim 13, Slater discloses the digital image enhancement method of claim 12, wherein the step of enhancing the digital image, includes enhancing the digital image automatically based upon the customer preference parameter (column 10, lines 38-48). Here the images are enhanced automatically according to the specifications made by the user's indication on the film envelope. It is understood that the IDM performs the enhancements automatically.

18. With regard to claim 14, Slater discloses the digital image enhancement method of claim 12, further comprising the step of enhancing the digital image automatically using an automatic digital image enhancement system. (column 10, lines 38-48). Here the images are enhanced automatically

by the IDM, which is considered to be an automatic digital image enhancement system.

19. With regard to claim 16, Slater discloses the digital image enhancement method of claim 12, further comprising the steps of transmitting the digital image packet to a remote digital image editing system selected according to the customer preference parameter (column 10, lines 38-48). Here Slater discloses how the IDM performs enhancements according to the user's preference. The IDM is said to contain a number of general purpose microprocessors operating in parallel (column 9, lines 45-50). The IDM is considered to be a digital image editing system that operates according to the customer preference parameters.

***Claim Rejections - 35 USC § 103***

20. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

21. Claims 11 and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over the combination of U.S. Patent 6,157,435 to Slater and U.S. Patent 6,642,956 to Safai in view of U.S. Patent 6,507,675 to Lee.

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22. With regard to claim 11, the combination of Slater and Safai discloses the digital image routing method of claim 10, but does not disclose the steps of storing an enhancement performed on a previous digital image; analyzing the enhancement performed on the previous digital image; and establishing the enhancement parameter to be used by the automatic digital image enhancement system to automatically enhance the digital image. Lee discloses an automatic image enhancement learning system that uses image enhancements and their results to determine the effectiveness of the image enhancement and then changes the enhancement process to optimize the enhancement. Lee teaches that this process helps in solving the problem of inconsistent, costly, and time-consuming methods of image enhancement by upgrading the parameters of the image enhancement. Therefore it would have been obvious to one of ordinary skill in the art at the time of invention to use the method taught by Lee in order to repeatedly optimize the automatic image enhancement of Slater.

23. With regard to claim 15, the discussion of claim 11 applies.

### ***Conclusion***

Applicant's amendment necessitated the new grounds of rejection presented in the Office Action. Accordingly, THIS ACTION IS MADE FINAL.

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See MPEP 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Wes Tucker whose telephone number is 703-305-6700. The examiner can normally be reached on 9AM-5PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Amelia Au can be reached on (703) 308-6604. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Wes Tucker

8-11-04



Jon Chang  
Primary Examiner